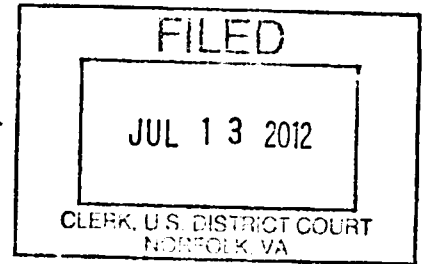


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



JAMAL ANTHONY SAMUEL,

Petitioner,

v.

Case No.: 2:11cv538

W.W. PIXLEY, Warden,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violations of federal rights pertaining to the petitioner's conviction in the Circuit Court for Accomack County of grand larceny and possession of a firearm by a convicted felon, as a result of which he was sentenced to serve a total of ten years in prison.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report of the magistrate judge was filed on May 4, 2012, recommending that the petition be denied and dismissed with prejudice. ECF No. 18. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the magistrate judge. On June 11, 2012, the Court received and filed

the petitioner's written objection.¹ ECF No. 21. The respondent filed no response to the petitioner's objection.


The petitioner's written objection simply reiterates facts and arguments on the merits of his claim (b). As the magistrate judge noted in his report, this claim was denied on the merits on direct appeal to the Virginia Court of Appeals. There is nothing in the record, nor has the petitioner identified anything in his objection, to suggest that this adjudication on the merits by the Virginia Court of Appeals was contrary to, or involved an unreasonable application of, clearly established federal law, nor that it resulted in a decision that was based on an unreasonable determination of the facts. Accordingly, the petitioner's objection is OVERRULED.

The Court, having reviewed the record, does hereby ADOPT AND APPROVE the findings and recommendations set forth in the report of the United States Magistrate Judge filed on May 4, 2012 (ECF No. 18), and it is, therefore, ORDERED that the petition (ECF No. 1) be DENIED AND DISMISSED WITH PREJUDICE for the reasons stated in the report. Adopting the recommendations in the magistrate judge's report, it is ORDERED that the respondent's motion to dismiss (ECF No. 13) be GRANTED. It is further ORDERED that judgment be entered in favor of the respondent.

¹ In the interim, the Court granted the petitioner an extension of time to file his written objections. ECF No. 20.

The petitioner may appeal from the judgment entered pursuant to this final order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment. The petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for the respondent.

/s/ 
Rebecca Beach Smith
Chief
UNITED STATES DISTRICT JUDGE
United States District Judge

Norfolk, Virginia

July 13, 2012